

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: FEB 15 2017

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:
UNITED STATES OF AMERICA :
:
-v.- :
:
ZIMMIAN TABB, :
:
Defendant. :
:
- - - - - X

SUPERSEDING INDICTMENT
S1 16 Cr. 747 (AKH)

ORIGINAL

COUNT ONE

The Grand Jury charges:

1. On or about August 13, 2016, in the Southern District of New York and elsewhere, ZIMMIAN TABB, the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a) (1).

2. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of cocaine base in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b) (1) (C).

(Title 21, United States Code, Sections 812, 841(a) (1), and 841(b) (1) (C); Title 18, United States Code, Section 2.)

COUNT TWO

The Grand Jury further charges:

3. On or about August 24, 2016, in the Southern District of New York and elsewhere, ZIMMIAN TABB, the defendant,

intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

4. The controlled substances involved in the offense were mixtures and substances containing detectable amounts of cocaine and heroin, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C); Title 18, United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

5. In or about August 2016, in the Southern District of New York and elsewhere, ZIMMIAN TABB, the defendant, unlawfully, willfully, and knowingly did open, lease, rent, use, and maintain a place for the purpose of manufacturing, distributing, and using a controlled substance, to wit, TABB used the apartment where he resided at 1596 Taylor Avenue in the Bronx, New York, to store, package, and distribute controlled substances, to wit, mixtures and substances containing detectable amounts of cocaine and heroin.

(Title 21, United States Code, Section 856.)

FORFEITURE ALLEGATION

6. As a result of committing the offenses alleged in Counts One, Two, and Three of this Indictment, ZIMMIAN TABB, the defendant, shall forfeit to the United States, pursuant to Title

21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense alleged in Counts One, Two, and Three of this Indictment.

Substitute Assets Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a) cannot be located upon the exercise of due diligence;

b) has been transferred or sold to, or deposited with, a third person;

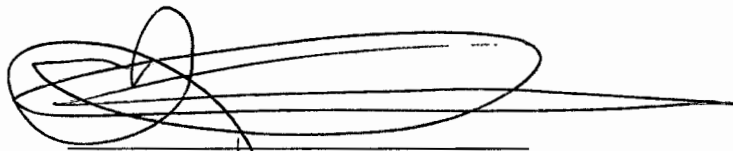
c) has been placed beyond the jurisdiction of the Court;

d) has been substantially diminished in value;
or


e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)



FOREPERSON



PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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v.

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Defendant.


SUPERSEDING INDICTMENT

S1 16 Cr. 747 (AKH)

(21 U.S.C. §§ 812, 841(a)(1), and
841(b)(1)(C); 18 U.S.C. § 2.)

PREET BHARARA

United States Attorney



Foreperson

2/15/17
ac

Filed Superseding Indictment

Florentsen
USMA
